

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

KAAPA ETHANOL, LLC,)	
)	
Plaintiff,)	7:05CV5010
)	
v.)	
)	
AFFILIATED FM INSURANCE)	ORDER
COMPANY,)	
)	
Defendant.)	
)	

This matter is before the Court on defendant Affiliated FM Insurance Co.'s motion to compel (Filing No. 59) and motion for expedited ruling on defendant's motion to compel (Filing No. 62). The Court notes that the motion to compel also requests an award of attorney's fees. After a review of the motions, the briefs and evidentiary submissions of the parties, and discussion with counsel, the Court finds that the motion to compel and the motion for expedited ruling are now moot and should be denied without prejudice. The issue of assessment of costs is deemed submitted on briefs and will be addressed in a subsequent order. Accordingly,

IT IS ORDERED:

- 1) Defendant's motion to compel and the motion for expedited ruling on said motion are moot and are denied without prejudice.

2) The issue of assessment of costs is deemed submitted
on briefs.

DATED this 17th day of January, 2008.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court